

spending, after discounting income differences, in areas where discrimination is widely practiced. The condition was especially aggravated in the South and was attributed in the testimony of the Under Secretary of Commerce to racial segregation. See Hearings before Senate Committee on Commerce on S. 1732, 88th Cong., 1st Sess. 695. A direct link between discrimination and commerce was indicated in the reduction of the number of potential customers caused by a general refusal of Negro patronage, a reduction which, in turn, would reduce the quantity of goods purchased through interstate channels. Moreover, the Attorney General testified that this type of discrimination imposes an "artificial restriction on the market" and interferes with the flow of merchandise. Senate Commerce Hearings, at 18-19; testimony of Senator Magnuson, 110 Cong. Rec. 7174. Based on such evidence Congress could have taken note of the fact that under these conditions establishments not only would established restaurants sell less but many new businesses might not be opened because of the restrictions on demand resulting from these exclusionary practices.

Viewed in isolation, the volume of food purchased by Ollie's Barbecue from out-of-state sources would have little effect upon the total foodstuff moving in

interstate commerce. But the \$70,000 volume purchased by this one establishment is not conclusive. As we said in Labor Board v. Reliance Fuel Corp., 371 U.S. 224, 226: "Appropriate for judgment is [also] the fact that the immediate situation is representative of many others throughout the country, the total incidence of which if left unchecked may well become far-reaching in its harm to commerce." The evidence is that discrimination in restaurants was widespread, not confined to a single State or region but a nationwide problem. Senate Commerce Hearings, at _____. [Wilkins]. And ~~XXXXXXXX~~ discrimination in one restaurant in one city, viewed in light of the national scope of this problem, is not unrelated to discrimination in a distant city. Thus, while Congress ~~XXXXXXXXXXXX~~ focussed on the individual restaurant's link to interstate commerce through the receipt of food that had passed in interstate channels, it was entirely appropriate that it judged the importance of this link as a part of a complex and interrelated national pattern. As our late Brother Jackson said for the Court in Wickard v. Filburn, 317 U.S. 111 ():

That appellee's own contribution to the demand may be for wheat ~~XXX~~ trivial by itself is not enough to remove him from the scope of the ~~XXX~~ federal regulation where, as here, his contribution, taken together with many others similarly situated, is far from trivial. ~~XXX~~
[At 127-128.]

As to the indirect burden of racial discrimination in

interstate commerce, but the \$70,000 volume purchased by this one establishment is not conclusive. As we said in Factor Stores

v. Hallmark Book Corp., 371 U.S. 592, 52 S. Ct. 1311, 23 AFTR2d 50-1007.

For judgment is [also] the fact that the immediate situation is representative of many others throughout the country, the

of the instances of which it is not unreasonably to expect

to be found in its own commerce. The evidence is that

discrimination in treatment was widespread, not confined to

a single State or region but a nationwide problem. See

Commerce Clause, at [citation]. And KIRKWOOD v. [citation]

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the national scope of this problem, is not unrelated to

foster, encourage, and promote it.

burdens adversely affecting interstate commerce, and to

state commerce, because it is designed to remove those

restaurants, even though they are not themselves in inter-

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